



STATE OF MAINE
PUBLIC UTILITIES COMMISSION
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AUGUSTA, MAINE
04333-0018

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June 10, 2002

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St., S.W., TW-B204
Washington, D.C. 20554

Re: Ex Parte Comments - Two Copies filed
CC Docket No. 02-61

Dear Ms. Dortch:

I am filing this letter with the Commission in order to comply with the FCC's *ex parte* regulations.

On May 1, 2002, pursuant to conditions set forth in a March 1, 2002, letter from the Maine Public Utilities Commission (MPUC) to Verizon-Maine (Condition Letter)¹, Verizon filed a proposed schedule setting forth the terms and conditions associated with Verizon's dark fiber unbundled network element ("Dark Fiber Tariff").² On May 30, 2002, the MPUC suspended the effective date of the Dark Fiber Tariff for a period of three months so as to allow the MPUC adequate time to fully investigate the tariff.³

The MPUC has had discussions with Verizon relating to certain provisions of the Dark Fiber Tariff and whether they comply with the Condition Letter. Specifically, the Dark Fiber Tariff as filed, includes a limitation regarding the length of interoffice fiber (no more than 2 intermediate offices and/or 20 miles). During a case conference on June 6, 2002, Verizon stated that it would withdraw the specific limitation at issue and propose substitute language which would allow Verizon to contest the feasibility of dark fiber requests on a case-by-case basis. The MPUC will investigate any proposed additional language as well as the rest of the Dark Fiber Tariff over the coming months and, ultimately, either accept, modify, or reject the proposed tariff.

¹A copy of the Condition Letter is attached to the MPUC's April 10, 2002 Comments in this docket.

²Verizon has filed a copy of the Dark Fiber Tariff with the FCC pursuant to an *ex parte* dated May 2, 2002.

³A copy of Suspension Order No. 1 is attached to this letter.

The MPUC has kept FCC Staff apprised of our discussions with Verizon and the status of the Dark Fiber Tariff. This letter is being provided at their request in order to ensure that the record on this matter is complete and accurate.

Respectfully submitted,

Trina M. Bragdon
Staff Attorney
Maine Public Utilities Commission

Cc: Christine Newcomb, FCC (via e-mail)
Gary Remondino, FCC
Benjamin Brown, DOJ (via e-mail)
MPUC Docket No. 2000-849 Service List (via e-mail)